

## SENATE BILL No. 316

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-12-10.5.

**Synopsis:** Employment absence for volunteer firefighters. Prohibits an employer other than the state from disciplining an employee who is a volunteer firefighter for being absent from employment when the employee is responding to a fire or emergency call. Allows the employee to initiate a civil action against an employer who disciplines the employee for this reason. Authorizes the employer to request proof that the employee was engaged in fire or emergency activity when absent and to charge the time away from employment against hours worked or salary of the employee.

**Effective:** July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Pensions and Labor.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 316

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-8-12-10.5 IS ADDED TO THE INDIANA  
2       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2004]: **Sec. 10.5. (a) This section does not**  
4       **apply to an employee of the state subject to IC 4-15-10-7.**

5       **(b) This section applies to an employee who:**

6           **(1) is a volunteer firefighter; and**

7           **(2) has notified the employee's employer that the employee is**  
8           **a volunteer firefighter.**

9       **(c) An employer may not discipline an employee:**

10           **(1) for being absent from employment by reason of**  
11           **responding to a fire or emergency call that was received**  
12           **before the time that the employee was to report to**  
13           **employment; or**

14           **(2) for leaving the employee's duty station to respond to a fire**  
15           **or an emergency call if the employee has secured**  
16           **authorization from the employee's supervisor to leave the**  
17           **duty station in response to a fire or an emergency call**



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received after the employee has reported to work.

(d) An employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the fire chief or other officer in charge of the volunteer fire department at the time of the absence indicating that the employee was engaged in emergency firefighting or emergency activity at the time of the absence.

(e) An employer may charge any time that an employee loses from employment because of the employee's response to a fire or emergency call against the employee's regular pay or hours of work.

(f) An employee who is disciplined by the employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

- (1) Payment of back wages.
- (2) Reinstatement to the employee's former position.
- (3) Fringe benefits wrongly denied or withdrawn.
- (4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

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